

REMARKS

In the Office Action mailed May 15, 2007, the Examiner rejected Claims 1, 10, 19 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,147,492 (“the Zhang patent”), rejected Claims 2-7 and 11-16 under 35 U.S.C. §103(a) as being obvious in light of the Zhang patent (Claims 2-4 and 11-13), and the Zhang patent in combination with U.S. Patent No. 6,618,608 (“the Watkins patent”). Each rejection is addressed below.

I. Rejection of Claims 1, 10, 19 and 20 under 35 U.S.C. §102(b)

Claims 1, 10, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by the Zhang patent. In particular, the Examiner stated, “Zhang discloses a method and apparatus with a computer and an MRI device wherein the system receives data from the MRI device (11) and data comprises in phase and out phase echoes of sample, the system is configured to process the data received by processor (19) and generating the percent of the fat within the sample and display the result on display (24)...” Office Action, page 2.

The Applicants respectfully disagree. However, in order to expedite prosecution while not acquiescing with the Examiner’s arguments, the Applicants now amend Claims 1 and 10 such that the at least one pair of consecutive in-phase or out-phase echos of a sample *are collected and processed in magnitude format*. Support for these amendments is located throughout the Specification (see, e.g., paragraph 55 of the published application). The Applicants reserve the right to prosecute originally filed Claims 1 and 10, or similar claims, at a future date.

The currently presented claims are not anticipated by the Zhang patent. The Zhang patent does not teach, suggest, enable and/or motivate the collection and processing of echos (e.g., images) in magnitude format. Unlike the currently presented claims, the Zhang patent describes the collection and processing of *complex-valued* images, as opposed to magnitude format images, from an MRI device. An essential element of the Zhang patent involves “phase unwrapping” of data collected from an MRI device during image processing (see, e.g., Sections I and II of the Zhang patent). Phase unwrapping typically involves extrapolation of phase information across spatial regions via seed-growing and/or polynomial models which requires

collection and processing of *complex-valued* images (see, e.g., Section II of the Zhang application). The Zhang patent does not describe collection and processing of at least one pair of consecutive in-phase or out-phase echos of a sample in magnitude format, and as such, the Zhang patent does not anticipate the currently presented claims.

Moreover, as the Zhang patent only describes the collection of *complex-valued* images and algorithms designed only to process *complex-valued* images, the Zhang patent teaches away from the collection and processing of images collected in *magnitude format*. Indeed, one skilled in the art would not be motivated to modify the Zhang patent to implement the collection and processing of images collected in magnitude format because, for example, the algorithms and processing techniques described in Zhang patent are incompatible with images collected in magnitude format. The Applicants request these rejections be withdrawn.

II. Rejection of Claims 2-9 and 11-18 under 35 U.S.C. §103(a)

Claims 2-9 and 11-18 were rejected under 35 U.S.C. §103(a) as being anticipated by the Zhang patent alone or in combination with the Watkins patent. Claims 2-9 and 11-18 are dependent upon non-anticipated and non-obvious Claims 1 and 10, respectively. As discussed in Section I of this Office Action Response, the Zhang patent fails to teach all of the required elements within Claims 1 and 10. The Watkins patent also describes the collection and processing of complex-valued images and, as such, does not remedy this deficiency. As such, a *prima facie* case of obviousness has not been established. The Applicants request these rejections be withdrawn.

III. Conclusion

All grounds of rejection of the Office Action of May 15, 2007, have been addressed and reconsideration of the application is respectfully requested. It is respectfully submitted that Applicant's claims should be passed into allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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